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**STATE OF IOWA**  
**BOARD OF EDUCATIONAL EXAMINERS**  
**Grimes State Office Building – 400 East 14<sup>th</sup> Street**  
**Des Moines, Iowa 50319-0147**

**Minutes**  
**December 1, 2006**

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1                                   **STATE OF IOWA**  
2                                   **BOARD OF EDUCATIONAL EXAMINERS**  
3                           **Grimes State Office Building – 400 East 14<sup>th</sup> Street**  
4                                   **Des Moines, Iowa 50319-0147**

5  
6                                   **Motions**

7  
8                                   **December 1, 2006**  
9  
10

11 William Haigh moved, with a second by Jacqueline Wellborn, that the Board go  
12 into closed session for the purposes of discussing whether to initiate licensee  
13 disciplinary proceedings and discussing the decision to be rendered in a  
14 contested case, pursuant to Iowa Code sections 21.5(1)(d) and 21.5(1)(f).

15 **MOTION CARRIED UNANIMOUSLY.**  
16

17 William Haigh moved, with a second by Jacqueline Wellborn, that in case  
18 numbers 06-12 and 06-14, In the Matter of: Jamie Morris, the Board not  
19 initiate review of the proposed decision and allow the proposed decision to  
20 become the final decision of the Board unless an appeal is taken by one of the  
21 parties within the time allowed by rule. Roll call vote: Aboud – yes; Smith – yes;  
22 Robinson – recuse; Seeland – yes; Duehr – yes; Wellborn – yes; Paulsen – yes;  
23 Chen – recuse; Henderson – yes; Haigh – yes; and Jeffrey – yes. **MOTION**  
24 **CARRIED.**  
25

26 Ying Ying Chen moved, with a second by William Haigh, that in case number  
27 06-29, In the Matter of: Rick D. Janssen, the Board find probable cause to  
28 establish a violation of the following provision of the Code of Professional  
29 Conduct and Ethics: 282 IAC 25.3(4)(e) and order this case set for hearing.  
30 Roll call vote: Haigh – yes; Henderson – yes; Chen – yes; Paulsen – yes;  
31 Wellborn – yes; Duehr – yes; Seeland – yes; Robinson – yes; Smith – yes;  
32 Aboud – yes; and Jeffrey – yes. **MOTION CARRIED UNANIMOUSLY.**  
33

34 William Haigh moved, with a second by Ying Ying Chen, that in case number  
35 06-31, the Board find that the evidence gathered in the investigation, including

1 witness statements and the documentary evidence, does not corroborate the  
2 allegations in the complaint, and that the Board, therefore, lacks probable  
3 cause to proceed with this matter. Roll call vote: Aboud – yes; Smith – yes;  
4 Robinson – yes; Seeland – yes; Duehr – yes; Wellborn – yes; Paulsen – yes; Chen  
5 – yes; Henderson – yes; Haigh – yes; and Jeffrey – yes. **MOTION CARRIED**  
6 **UNANIMOUSLY.**

7  
8 Ying Ying Chen moved, with a second by William Haigh, that in case number  
9 06-32, Lewis Central Community Schools v. Mark Henderson, the Board find  
10 probable cause to establish a violation of the following provision of the Code of  
11 Professional Conduct and Ethics: 282 IAC 25.3(5)(3) and order this case set for  
12 hearing. Roll call vote: Haigh – yes; Henderson – yes; Chen – yes; Paulsen – yes;  
13 Wellborn – yes; Duehr – yes; Seeland – yes; Robinson – yes; Smith – yes; Aboud  
14 – yes; and Jeffrey – yes. **MOTION CARRIED UNANIMOUSLY.**

15  
16 William Haigh moved, with a second by Ying Ying Chen, that in case numbers  
17 06-34 and 06-39, the Board find that the evidence gathered in the  
18 investigation, including witness statements and the documentary evidence,  
19 does not corroborate the allegations in the complaint, and that the Board,  
20 therefore, lacks probable cause to proceed with this matter. Roll call vote:  
21 Aboud – yes; Smith – yes; Robinson – yes; Seeland – yes; Duehr – yes; Wellborn  
22 – yes; Paulsen – yes; Chen – yes; Henderson – yes; Haigh – yes; and Jeffrey –  
23 yes. **MOTION CARRIED UNANIMOUSLY.**

24  
25 Ying Ying Chen moved, with a second by William Haigh, that in case number  
26 06-35, In the Matter of: Philip David Padilla, the Board find probable cause to  
27 establish a violation of the following provisions of the Code of Professional  
28 Conduct and Ethics: 282 IAC 25.3(1)(c), 25.3(1)(d) and 25.3(1)(e) and order  
29 this case set for hearing. Roll call vote: Haigh – yes; Henderson – yes; Chen –  
30 yes; Paulsen – yes; Wellborn – yes; Duehr – yes; Seeland – yes; Robinson –  
31 recuse; Smith – yes; Aboud – yes; and Jeffrey – yes. **MOTION CARRIED.**

1 William Haigh moved, with a second by Ying Ying Chen, that in **case number**  
2 **06-36**, Heartland Area Education Agency 11 vs. Nancy L. Cox, the Board find  
3 probable cause to establish a violation of the following provision of the Code of  
4 Professional Conduct and Ethics: 282 IAC 25.3(5)(a)(3) and order this case set  
5 for hearing. Roll call vote: Roll call vote: Aboud – yes; Smith – yes; Robinson –  
6 yes; Seeland – yes; Duehr – yes; Wellborn – yes; Paulsen – yes; Chen – yes;  
7 Henderson – yes; Haigh – yes; and Jeffrey – yes. **MOTION CARRIED**  
8 **UNANIMOUSLY.**

9  
10 Ying Ying Chen moved, with a second by William Haigh, that in **case number**  
11 **06-27**, the Board extend the 180-day deadline for issuance of the final decision,  
12 based upon the extraordinary amount of time needed to complete the  
13 investigation. Roll call vote: Aboud – yes; Smith – yes; Robinson – yes; Seeland  
14 – yes; Duehr – yes; Wellborn – yes; Paulsen – yes; Chen – yes; Henderson – yes;  
15 Haigh – yes; and Jeffrey – yes. **MOTION CARRIED UNANIMOUSLY.**

16  
17 William Haigh moved, with a second by Ying Ying Chen, that in **case number**  
18 **06-29**, the Board extend the 180-day deadline for issuance of the final decision,  
19 based upon the need for additional time to conduct a hearing, prepare a  
20 proposed decision, and review the proposed decision by the Board. Roll call  
21 vote: Haigh – yes; Henderson – yes; Chen – yes; Paulsen – yes; Wellborn – yes;  
22 Duehr – yes; Seeland – yes; Robinson – yes; Smith – yes; Aboud – yes; and  
23 Jeffrey – yes. **MOTION CARRIED UNANIMOUSLY.**

24  
25 Greg Robinson moved, with a second by Beverly Smith, to approve the  
26 November 3, 2006, minutes, as distributed. **MOTION CARRIED**  
27 **UNANIMOUSLY.**

28  
29 John Aboud moved, with a second by William Haigh, that **in PFW 06-13**,  
30 Jeannine C. Mullikin, the Board grant the Petition for Waiver. **MOTION**  
31 **CARRIED UNANIMOUSLY ON A VOICE VOTE.**

- 1 Jean Seeland moved, with a second by John Aboud, that **in PFW 06-14**,
- 2 Mackenzie Bell, the Board grant the Petition for Waiver. **MOTION CARRIED**
- 3 **ON A VOICE VOTE**, with Paulsen and Robinson voting “no.”

**Des Moines, Iowa 50319-0147**

**December 1, 2006**

Members attending were John Aboud, Ying Ying Chen, Tammy Duehr, William Haigh, Jeffrey Henderson, Judy Jeffrey, Thomas Paulsen, Greg Robinson, Jean Seeland, Beverly Smith and Jacqueline Wellborn. Also in attendance were Dr. George Maurer, Executive Director of the Board; Christie Scase, Assistant Attorney General and legal counsel to the Board; Barbara Hendrickson, Board Secretary; and other visitors.

**MOTION CARRIED UNANIMOUSLY.**

William Haigh moved, with a second by Jacqueline Wellborn, that in case numbers 06-12 and 06-14, In the Matter of: Jamie Morris, the Board not initiate review of the proposed decision and allow the proposed decision to become the final decision of the Board unless an appeal is taken by one of the parties within the time allowed by rule. Roll call vote: Aboud – yes; Smith – yes; Robinson – recuse; Seeland – yes; Duehr – yes; Wellborn – yes; Paulsen – yes; Chen – recuse; Henderson – yes; Haigh – yes; and Jeffrey – yes. **MOTION CARRIED.**

1 Ying Ying Chen moved, with a second by William Haigh, that in **case number**  
2 **06-29**, In the Matter of: Rick D. Janssen, the Board find probable cause to  
3 establish a violation of the following provision of the Code of Professional  
4 Conduct and Ethics: 282 IAC 25.3(4)(e) and order this case set for hearing.  
5 Roll call vote: Haigh – yes; Henderson – yes; Chen – yes; Paulsen – yes;  
6 Wellborn – yes; Duehr – yes; Seeland – yes; Robinson – yes; Smith – yes;  
7 Aboud – yes; and Jeffrey – yes. **MOTION CARRIED UNANIMOUSLY.**

8  
9 William Haigh moved, with a second by Ying Ying Chen, that in **case number**  
10 **06-31**, the Board find that the evidence gathered in the investigation, including  
11 witness statements and the documentary evidence, does not corroborate the  
12 allegations in the complaint, and that the Board, therefore, lacks probable  
13 cause to proceed with this matter. Roll call vote: Aboud – yes; Smith – yes;  
14 Robinson – yes; Seeland – yes; Duehr – yes; Wellborn – yes; Paulsen – yes; Chen  
15 – yes; Henderson – yes; Haigh – yes; and Jeffrey – yes. **MOTION CARRIED**  
16 **UNANIMOUSLY.**

17  
18 Ying Ying Chen moved, with a second by William Haigh, that in **case number**  
19 **06-32**, Lewis Central Community Schools v. Mark Henderson, the Board find  
20 probable cause to establish a violation of the following provision of the Code of  
21 Professional Conduct and Ethics: 282 IAC 25.3(5)(3) and order this case set for  
22 hearing. Roll call vote: Haigh – yes; Henderson – yes; Chen – yes; Paulsen – yes;  
23 Wellborn – yes; Duehr – yes; Seeland – yes; Robinson – yes; Smith – yes; Aboud  
24 – yes; and Jeffrey – yes. **MOTION CARRIED UNANIMOUSLY.**

25  
26 William Haigh moved, with a second by Ying Ying Chen, that in **case numbers**  
27 **06-34 and 06-39**, the Board find that the evidence gathered in the  
28 investigation, including witness statements and the documentary evidence,  
29 does not corroborate the allegations in the complaint, and that the Board,  
30 therefore, lacks probable cause to proceed with this matter. Roll call vote:  
31 Aboud – yes; Smith – yes; Robinson – yes; Seeland – yes; Duehr – yes; Wellborn  
32 – yes; Paulsen – yes; Chen – yes; Henderson – yes; Haigh – yes; and Jeffrey –  
33 yes. **MOTION CARRIED UNANIMOUSLY.**

1 Ying Ying Chen moved, with a second by William Haigh, that in **case number**  
2 **06-35**, In the Matter of: Philip David Padilla, the Board find probable cause to  
3 establish a violation of the following provisions of the Code of Professional  
4 Conduct and Ethics: 282 IAC 25.3(1)(c), 25.3(1)(d) and 25.3(1)(e) and order  
5 this case set for hearing. Roll call vote: Haigh – yes; Henderson – yes; Chen –  
6 yes; Paulsen – yes; Wellborn – yes; Duehr – yes; Seeland – yes; Robinson –  
7 recuse; Smith – yes; Aboud – yes; and Jeffrey – yes. **MOTION CARRIED.**

8  
9 William Haigh moved, with a second by Ying Ying Chen, that in **case number**  
10 **06-36**, Heartland Area Education Agency 11 vs. Nancy L. Cox, the Board find  
11 probable cause to establish a violation of the following provision of the Code of  
12 Professional Conduct and Ethics: 282 IAC 25.3(5)(a)(3) and order this case set  
13 for hearing. Roll call vote: Roll call vote: Aboud – yes; Smith – yes; Robinson –  
14 yes; Seeland – yes; Duehr – yes; Wellborn – yes; Paulsen – yes; Chen – yes;  
15 Henderson – yes; Haigh – yes; and Jeffrey – yes. **MOTION CARRIED**  
16 **UNANIMOUSLY.**

17  
18 Ying Ying Chen moved, with a second by William Haigh, that in **case number**  
19 **06-27**, the Board extend the 180-day deadline for issuance of the final decision,  
20 based upon the extraordinary amount of time needed to complete the  
21 investigation. Roll call vote: Aboud – yes; Smith – yes; Robinson – yes; Seeland  
22 – yes; Duehr – yes; Wellborn – yes; Paulsen – yes; Chen – yes; Henderson – yes;  
23 Haigh – yes; and Jeffrey – yes. **MOTION CARRIED UNANIMOUSLY.**

24  
25 William Haigh moved, with a second by Ying Ying Chen, that in **case number**  
26 **06-29**, the Board extend the 180-day deadline for issuance of the final decision,  
27 based upon the need for additional time to conduct a hearing, prepare a  
28 proposed decision, and review the proposed decision by the Board. Roll call  
29 vote: Haigh – yes; Henderson – yes; Chen – yes; Paulsen – yes; Wellborn – yes;  
30 Duehr – yes; Seeland – yes; Robinson – yes; Smith – yes; Aboud – yes; and  
31 Jeffrey – yes. **MOTION CARRIED UNANIMOUSLY.**



1 Greg Robinson moved, with a second by Beverly Smith, to approve the  
2 November 3, 2006, minutes, as distributed. **MOTION CARRIED**  
3 **UNANIMOUSLY.**

4  
5 The Board acknowledged technological difficulties with use of the Iowa  
6 Communications Network (ICN) for the November board meeting. Board  
7 Member Jacqueline Wellborn indicated, however, that for a short meeting, she  
8 preferred the ICN to a telephonic meeting.

9  
10 Executive Director Dr. George Maurer announced the December 21 retirement  
11 of Licensure Consultant Jane Heinsen. He thanked her for the almost 17 years  
12 of service for the Board and said she would be missed.

13  
14 Board Member Ying Ying Chen summarized some important information she  
15 had read in articles in *Educational Leadership*, and she provided copies of the  
16 articles to the Board. Tammy Duehr, together with the Dubuque district's  
17 human resources staff member, offered the PowerPoint ethics presentation to  
18 102 new teachers in that district and will do likewise to the 92 second-year  
19 teachers in a couple of weeks. Ms. Chen said that an attorney had expressed to  
20 her an interest in joint efforts to present workshops on ethics. She wondered if  
21 other board members have had similar inquiries.

22  
23 Board Chair Judy Jeffrey talked about a number of matters:

- 24 1) A few weeks ago the Department of Education (DE) filed a report to the U.S.  
25 Department of Education (USDE) on highly qualified teachers. She now  
26 provided the Board with charts of Iowa statistics of percentages of specific  
27 classes taught by highly qualified teachers who are assigned to high poverty  
28 buildings. Iowa does not follow the national trend of not highly qualified  
29 teachers being assigned to schools in need of improvement. She then added  
30 some explanatory remarks.
- 31 2) She received a letter from the USDE that the DE has been fully approved for  
32 its standards and assessments system, full approval being something  
33 difficult to achieve.

- 1 3) Board members had a copy of *The Annual Condition of Education Report* at  
2 each one's place.
- 3 4) The DE has prefiled a bill on administrative leadership standards to put the  
4 standards into place for evaluation purposes for all administrators in the  
5 state and for professional development plans for all administrators in the  
6 state.
- 7 5) Ms. Jeffrey updated information on the status of the proposal of pay-for-  
8 performance.
- 9 6) She and Executive Director Dr. George Maurer collaborated in putting  
10 together transition documents for the transition team of the incoming  
11 administration. Dr. Maurer said he would E-mail the Board's portion of the  
12 Transition Report to board members.
- 13 7) As required by any new administration, Ms. Jeffrey has resigned from her  
14 position as director, but she has re-applied for it.

15  
16 Board Chair Judy Jeffrey asked if there were any public comments. There were  
17 none.

18  
19 Executive Director Dr. George Maurer reported on a number of issues:

- 20 1) The November budget report was not available due to the inaccessibility of  
21 data because this board meeting was held on the first day of December. He  
22 will E-mail the report to board members.
- 23 2) He reviewed the Board's goals.
- 24 3) He guided the Board through a document with plans for a meeting of the  
25 task force on teacher shortages set for February 13, 2007. Board members  
26 provided feedback on the information and gave additional input.
- 27 4) He asked board members what they would like to do for the board retreat on  
28 June 21-22, 2007. He suggested revisiting the Board's mission, vision,  
29 beliefs and the like. Jeffrey Henderson echoed an interest in reviewing the  
30 Board's philosophy. He recommended that input from the constituency  
31 groups be obtained beforehand. Greg Robinson thought pieces of  
32 information might come out of the teacher shortage task force study.

- 1 5) Heartland Area Education Agency (AEA) 11 will make its ethics course  
2 available on line to everyone.
- 3 6) The April 5 board meeting will be held at Grant Wood AEA in Cedar Rapids.
- 4 7) Channel 8 had shown a segment on professional practices the previous  
5 Sunday.
- 6 8) Consultant/Investigator Beth Myers reported on her attendance in October  
7 at the Professional Practices Institute of the National Association of State  
8 Directors of Teacher Education and Certification (NASDTEC), together with  
9 Executive Director Dr. George Maurer and Assistant Attorney General and  
10 legal counsel to the Board Christie Scase. Of particular interest was a post-  
11 violation education program in Kentucky, a “weekend crash-course [ for  
12 violators] in their code of ethics . . . to get them remediated and back in.”  
13 John Aboud recommended development of a similar class in the Iowa code  
14 of ethics, and Dr. Maurer said staff could put together an outline and bring  
15 it to the Board.
- 16 9) Licensure Consultant Geri McMahon reported on a meeting with a  
17 representative of Troops-to-Teachers.

18  
19 The Board recessed from 11:13 to 11:20 a.m.

20  
21 The Board discussed a proposed rule change that would allow the holder of a  
22 substitute authorization to work in K-6 classrooms, as requested by several  
23 constituent groups. The suggestion was made to expand permission to K-12,  
24 instead, to the holder of a paraeducator certificate. Following significant  
25 conversation, it was decided that the matter will be discussed again at a future  
26 date. It was also recommended that the issue be talked about in upcoming  
27 meetings with the constituency groups.

28  
29 The Board considered a proposed rule change that would provide applicants  
30 with clear guidance on which credential evaluation services the Board will  
31 accept for applicants from foreign institutions. The credential evaluation  
32 services listed on the application are the ones that have been evaluated by the  
33 staff and are accredited. Board Member Ying Ying Chen recommended adding

1 a requirement that such applicants successfully pass the TOEFL (Test of  
2 English as a Foreign Language). The Board will see the proposed changes in  
3 Notice form at the next meeting.

4  
5 The next item was a question-and-answer sheet on conversion from an initial  
6 license to a standard license. Since mentoring and induction is under the  
7 jurisdiction of the DE, board staff has worked closely with DE staff to ensure  
8 consistency in presenting the concepts to licensees in the field.

9  
10 The Board recessed for lunch at 11:42 a.m. and reconvened at 12:22 p.m.

11  
12 Executive Director Dr. George Maurer guided the Board through items related  
13 to the legislative agenda. Following brief review of plans for the legislative  
14 reception, the Board looked at the new Code language for membership on the  
15 Board, which will go into effect May 1, 2007. Board members found the new  
16 language restrictive and exclusionary. The timeframe for a pre-filed bill has  
17 passed, but opportunity exists to introduce legislation this session to revert to  
18 the previous configuration, which is the Board's preference, or to create a mix of  
19 members more suitable in board members' minds than the combination  
20 currently scheduled for installation.

21  
22 The University of Iowa submitted a proposal to change language in a section of  
23 the Iowa Code so that "student teaching" would become "educator licensure  
24 experiences." The objective of the more expansive language is to cover liability  
25 concerns as students go out into the field in a variety of experiences and to  
26 protect the students during the term of those situations. The Board agreed to  
27 move the matter forward.

28  
29 The Executive Director invited the Board to contact him if any other concern  
30 arose between now and the planning session the evening before the legislative  
31 reception.

1 Executive Director Dr. George Maurer turned the Board's attention to a number  
2 of reports. The first was a detailed annual financial report to be submitted to  
3 legislative committee members. The second legislatively mandated report  
4 concerned the impact of requirements regarding teacher librarians.

5 Demographic information was provided, but no conclusions or  
6 recommendations were made since data are not yet complete. The third report  
7 was an internal efficiency report documenting results of the Kaizen Event held  
8 the previous year. Next year a report will once again be due on administrative  
9 rules.

10  
11 The Board took up consideration of Jeannine Mullikin's petition to waive the  
12 requirement for three years of post-baccalaureate work experience required for  
13 the teacher intern program, which had been tabled at the November meeting.

14 Ms. Mullikin holds a baccalaureate degree; has completed the content  
15 requirements for biology, chemistry and general science; and has two years of  
16 post-baccalaureate experience. She is enrolled in Kaplan University's teacher  
17 intern program and has been offered employment in biology at Louisa-  
18 Muscatine High School beginning January 2007. Additional information was  
19 provided that she has participated in professional development activities,  
20 attended science team meetings, collaborated with her teaching partner and  
21 attended two to three faculty meetings. John Aboud moved, with a second by  
22 William Haigh, that **in PFW 06-13**, Jeannine C. Mullikin, the Board grant the  
23 Petition for Waiver. **MOTION CARRIED UNANIMOUSLY ON A VOICE VOTE.**

24  
25 Mackenzie Bell asked the Board to waive the approved substitute authorization  
26 class. She is completing her master's degree in educational counseling. She  
27 wants to apply for the substitute authorization but has not completed the  
28 approved substitute authorization coursework through the AEA. Ms. Bell  
29 wants to utilize the counseling coursework she completed as the equivalent.  
30 Jean Seeland moved, with a second by John Aboud, that **in PFW 06-14**,  
31 Mackenzie Bell, the Board grant the Petition for Waiver. **MOTION CARRIED**  
32 **ON A VOICE VOTE**, with Paulsen and Robinson voting "no."

- 1    There being no further business, Board Chair Judy Jeffrey adjourned the
- 2    meeting at 1:13 p.m.